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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/105,572	06/26/1998	DOUGLAS W. HALL	CORN-0002	5745

7590 11/18/2004
MOSER, PATTERSON & SHERIDAN, L.L.P.
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EXAMINER

RUDE, TIMOTHY L

ART UNIT PAPER NUMBER

2883

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/105,572

Applicant(s)

HALL ET AL.

Examiner

Timothy L Rude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 35-43 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on July 19, 2004 has been entered.

Status of Claims:

Claims 35-43 are pending in the application. Claims 35-43 are allowed.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or suggest the fiber amplifier including a gain optical fiber having only one single mode core and the series combination of the gain fiber, the pump light-attenuating fiber and the filtering fiber as claimed in claim 35. The prior art also does not disclose or suggest the optical amplifier including the first end of each of the pump light attenuating fiber sections being spliced to a respective one of the second ends of the gain fiber sections and the ends of the filtering fiber are respectively connected to the second ends of the pump light attenuating fiber sections as claimed in claim 36. As to claims 37, 39, and 41-43, the prior art fails to disclose or suggest the claimed fiber amplifier with only one single-mode core in combination with all other recited features.

In particular, Grasso et al (Grasso) patent teaches away from providing only one single mode core for the gain optical fiber (col.10, lines 56-61). Further, Grasso requires a multi core fiber (two core fiber) with particular diameters for each of the core to achieve desired coupling. Since Grasso clearly teaches avoidance of only one single mode core fiber as a gain fiber and requires a multi core optical fiber, the rejection under estoppel has been withdrawn. Further, applicants arguments on pages 8-10 are persuasive, hence all the pending claims are allowed over the prior art of record.

This application is in condition for allowance except for the following formal matters:

1. The claims have been amended in response to the Office actions; as such, the errors corrected by the latter amendments were not covered by the original declaration. The applicant must acknowledge that these errors arose without deceptive intent. A supplemental reissue declaration acknowledging that all errors arose without deceptive intent is required [MPEP 1414]. A supplemental declaration will prevent potential challenges of the reissue patent on this issue.

2. Claims 35-43 as listed in the amendment filed December 11, 2003, are in improper format because they are not entirely underlined and must not include strike-through. Note that amendments in reissue must comply with 37 CFR 1.173(d) which states that the changes are made relative to the original patent and additions must be

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underlined and deletions put in brackets. Claims 35-43 are added by reissue and therefore must be entirely underlined and contain no brackets.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlr

Timothy L Rude
Examiner
Art Unit 2883



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800